

Information for Real Estate Agents about Home Inspectors Licensure

A number of inquiries have been received from agents and representatives of your professional associations on the impact of home inspector licensure on real estate agents and any responsibility that may be imposed upon agents. Specifically, queries have come to the Board concerning the presentation of a handout of information or materials on home inspectors and data on all licensed home inspectors in the Commonwealth under the new home inspector licensure statute. Following are answers to some of the questions posed by agents. Please contact the Board's office at 617-727-2373 for further clarification of any of these issues.

Q. Is the new Board of Registration of Home Inspectors part of the Board of Registration of Real Estate Brokers and Salespersons? Is the new board under the Real Estate Board's jurisdiction?

A. No, the Board of Registration of Home Inspectors is a separate board. It is not under the jurisdiction of the Board of Real Estate Brokers and Salespersons. Likewise, the Board of Real Estate Brokers and Salespersons is not under the Board of Home Inspector's jurisdiction.

Q. Do I have to provide clients with the Home Inspectors Facts for Consumers sheet as part of the homebuying process?

A. Yes. According to the statute which governs home inspectors, all real estate agents are required to provide a copy of the fact sheet. The Board of Home Inspectors has made this fact sheet available to your professional associations and is also making the sheet available to the public through its website (www.state.ma.us/reg/boards/hi). You may print the fact sheet from the website and make copies for distribution. The fact sheet has been reviewed prior to publication by various entities including the Board of Registration of Real Estate Brokers and Salespersons, the Massachusetts Association of Realtors, and the Greater Boston Real Estate Board. Their comments and suggestions have been incorporated into the final document.

Q. Will I be able to recommend a specific home inspector to my clients?

A. The statute explicitly prohibits real estate agents other than the buyer's broker from "directly" recommending a home inspector to a client.

Q. Must I then provide a list of all licensed home inspectors in the Commonwealth to my clients?

A. While the statute governing the Board of Home Inspectors states that real estate brokers may provide, upon request, a list of licensed home inspectors prepared by the Board, the Real Estate Board realizes that this can become quite burdensome. Since the Board of Home Inspectors, through its website, makes the names of all licensees in the Commonwealth available to the public, the Board has agreed that by providing clients with the fact sheet, which contains the internet address of the Board of Home Inspectors, agents fulfill any requests for information on licensed home inspectors.

Q. So if I am an agent representing a buyer and I am exempt from the prohibition of directly recommending a home inspector, does that mean I also do not have to provide my client with a fact sheet?

A. No. The statute is very specific and states that all real estate agents are required to provide clients with the fact sheet. The fact sheet contains other important information that a potential homebuyer needs to know about the home inspection process.

Q. If I have literature on a couple of home inspection companies, may I provide that to a client without making a direct recommendation?

A. The safest course for agents is to provide the fact sheet with the web address contained therein and let customers make their own decisions on home inspectors. The Board hopes that this information will be helpful to real estate agents and that they will recognize the advantages of providing the fact sheet with the board's web address as a far less burdensome approach than providing more cumbersome licensee information on home inspectors.